

GRANTING LANDS, TO STATE OF OREGON FOR FISH HATCHERY

JANUARY 13, 1925.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. SINNOTT, from the Committee on the Public Lands, submitted
the following

REPORT

[To accompany H. R. 9495]

The Committee on the Public Lands, to whom was referred (H. R. 9495) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery, having considered the same, report it to the House with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent, as hereinafter limited, to the State of Oregon for the following described land: The northeast quarter of the northwest quarter of section 2, township 39 south, range 22 east, of the Willamette meridian, in the State of Oregon, for use of said State in maintaining and operating thereon a fish hatchery: *Provided*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine and remove the same: *Provided further*, That if the State of Oregon shall, for a period of two years, fail to use the land for fish hatchery purposes, or shall devote the same to other uses, the title thereto shall revert to the United States, and the lands shall be restored to the public domain upon a finding of such failure by the Secretary of the Interior.

The purpose of the proposed legislation is to grant to the State of Oregon certain lands for use as a fish hatchery. The bill was referred to the Secretary of the Interior for his consideration, and the favorable report from the Secretary, dated January 9, 1925, to the chairman of this committee is herein set out in full for the information of the House, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 9, 1925.

Hon. N. J. SINNOTT,
*Chairman Committee on the Public Lands,
House of Representatives.*

MY DEAR MR. SINNOTT: I have your request for report on H. R. 9495, granting to the State of Oregon certain lands for the purpose of maintaining and operating thereon a fish hatchery.

There is no objection to the grant of the land to the State of Oregon for the purposes indicated, but it is usual in such grants to reserve to the United States all oil, coal, or other minerals, together with the right to prospect for, mine, and remove the same. The bill contains a proviso for the reversion of the title to the United States if for a period of five years the State shall fail to maintain a fish hatchery on the land, and a further proviso authorizing the Secretary of the Interior to determine whether a hatchery is being maintained and operated on the land, and if he shall determine that for a period of two years the State has failed to maintain and operate such hatchery, he shall restore the land to the public domain. The first proviso would probably require proceedings in the courts to declare the forfeiture, or further action by the Congress, and for that reason the further provision is preferred authorizing the Secretary to restore the land in the event the State fails to use it for the purposes required in the grant.

It is suggested that in order to conform to similar grants the bill be amended to read as follows:

"That the Secretary of the Interior be and he is hereby authorized and directed to issue patent, as hereinafter limited, to the State of Oregon for the following-described land: The northeast quarter of the northwest quarter of section 2, township 39 south, range 22 east, of the Willamette meridian, in the State of Oregon, for use of said State in maintaining and operating thereon a fish hatchery: *Provided*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That if the State of Oregon shall, for a period of two years, fail to use the land for fish-hatchery purposes, or shall devote the same to other uses, the title thereto shall revert to the United States, and the lands shall be restored to the public domain upon a finding of such failure by the Secretary of the Interior."

If amended in the manner above indicated, no objection will be interposed to the enactment of the bill.

I have to-day submitted to the President for consideration a draft of an order temporarily withdrawing the land in aid of the proposed legislation, under the provisions of the act of June 25, 1910 (36 Stat. 847), as amended by the act of August 24, 1912 (37 Stat. 497).

Very truly yours,

HUBERT WORK.